



mission, Plaintiff regularly serves FOIA requests on federal, state, and local government agencies, entities, and offices, and disseminates its findings to the public.

4. Defendant is an agency of the United States Government and is headquartered at Central Intelligence Agency, General Counsel's Office, Washington, DC 20505. Defendant has possession, custody, and control of records to which Plaintiff seeks access.

### **STATEMENT OF FACTS**

5. On May 18, 2009, Plaintiff sent a FOIA request to Defendant, seeking access to the following records:

- a. CIA Report dated **July 13, 2004**, from Collection title "OVP Cheney, Immediate Office Files," Folder Title "Detainees."
- b. CIA Report dated **June 1, 2005**, from Collection title "OVP Cheney, Immediate Office Files," Folder Title "Detainees."

*See Exhibit 1.*

6. Defendant acknowledged receipt of Plaintiff's FOIA request by letter dated June 25, 2009. However, Defendant's June 25, 2009 letter did not include any responsive documents or state with specificity when Plaintiff could expect to receive a substantive response.

7. Pursuant to 5 U.S.C. § 552(a)(6)(A)(i) and 5 U.S.C. § 552(a)(6)(B)(i), Defendant was required to respond to Plaintiff's May 18, 2009 FOIA request within thirty (30) working days or by June 30, 2009.

8. Because Defendant failed to comply with the time limits set forth in 5 U.S.C. § 552(a)(6)(A) and 5 U.S.C. § 552(a)(6)(B), Plaintiff is deemed to have exhausted any and all administrative remedies with respect to its May 18, 2009 FOIA request, pursuant to 5 U.S.C. § 552(a)(6)(C).

**COUNT 1**

**(Violation of FOIA)**

9. Plaintiff realleges paragraphs 1 through 8 as if fully stated herein.

10. Defendant has violated FOIA by failing to produce any and all non-exempt records responsive to Plaintiff's May 18, 2009 request within the time limits required by 5 U.S.C. § 552(a)(6)(A) and 5 U.S.C. § 552(a)(6)(B).

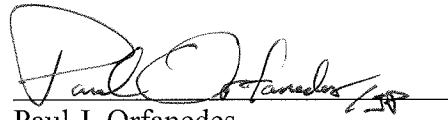
11. Plaintiff is being irreparably harmed by reason of Defendant's violation of FOIA, and Plaintiff will continue to be irreparably harmed unless Defendant is compelled to conform its conduct to the requirements of the law.

WHEREFORE, Plaintiff respectfully requests that the Court: (1) declare Defendant's failure to comply with FOIA to be unlawful; (2) order Defendant to search for and produce any and all non-exempt records responsive to Plaintiff's May 18, 2009 request and a *Vaughn* index of allegedly exempt records responsive to the request by a date certain; (3) enjoin Defendant from continuing to withhold any and all non-exempt records responsive to the request; (4) grant Plaintiff an award of attorney's fees and other litigation costs reasonably incurred in this action pursuant to 5 U.S.C. § 552(a)(4)(E); and (5) grant Plaintiff such other relief as the Court deems just and proper.

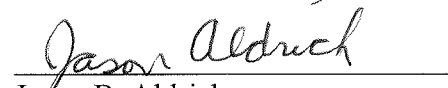
Dated: July 14, 2009

Respectfully submitted,

JUDICIAL WATCH, INC.

A handwritten signature in black ink, appearing to read "Paul J. Orfanedes", written over a horizontal line.

Paul J. Orfanedes  
D.C. Bar No. 429716

A handwritten signature in black ink, appearing to read "Jason B. Aldrich", written over a horizontal line.

Jason B. Aldrich  
D.C. Bar No. 495488  
Suite 700  
501 School Street, S.W.  
Washington, DC 20024  
(202) 646-5172

*Attorneys for Plaintiff*